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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,675	08/29/2003	Randy Jon Logan	758.1099US01	2545
23552	7590	09/01/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			TUPPER, ROBERT S	
			ART UNIT	PAPER NUMBER
			2652	

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/652,675	<b>Applicant(s)</b> LOGAN, RANDY JON	
	<b>Examiner</b> Robert S. Tupper	<b>Art Unit</b> 2652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-6,8-12 and 14-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6, 8-12, and 14-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. The status of claims 3, 7, and 13 are unclear. Applicant has labeled these as "withdrawn", however, that status is not available at this point in the prosecution. These claims will be treated as canceled in this action.

Applicant is required to cancel these claims in the next response to this office action.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "outlet port" (claim 14) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. Claims 14-16 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14, on line 10, "the outlet port" has no antecedent basis.

In claim 21, on line 2, "filter media" has no antecedent basis.

4. Claims 1, 2, 4-6, 8-12, and 14-16 are rejected under 35 USC 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise, and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The disclosure clearly indicates that one chamber houses a filter media and the other chamber houses an adsorbent media. There is a clearly disclosed difference between "filter media" and "adsorbent media". There is NO disclosure of utilizing an adsorbent media in both chambers.

Further, the disclosure clearly indicates that the porous membranes are provided to cover exterior openings in both chambers. There is NO disclosure of disposing the porous membranes over any portion of the chambers.

Claims 1 and 14 recite that both the chambers contain an adsorbent media.

These claims are inadequately disclosed under 112 par.1 if read literally that an adsorbent media is provided in both chambers.

Alternatively, these claims are indefinite and misdescriptive for not accurately reciting the media contained in each chamber.

Further, claims 1 and 14 recite that porous membranes are disposed over "at least a portion" of each chamber.

These claims are inadequately disclosed under 112 par.1 if read to encompass disposing the porous membranes either within the chambers, or over non-open sections of the exteriors of the chambers.

Alternatively, these claims are indefinite for failing to clearly indicate where the membranes are located.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over VOIGHTS (6,266,208).

Note figures 1, 2, 10, and 11. VOIGHTS shows an integrated filter used in a disk drive. The integrated filter includes recirculation, chemical, and breather filters. The integrated filter structure has a housing (12) with a base (18), top (34,36) and a sidewall

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(30,32). There are first (24) and second (26) chambers. There is an aperture (35) in the sidewall into the first chamber (24). There is an adsorbent media (14) in the first chamber, and a filter media (22) in the second chamber. The second chamber includes an inlet port (46), an outlet port (not numbered but the opening in the sidewall that exposes the filter element 22). , The first chamber is closest to the disk and thus in a region of higher pressure (re claims 18, and 19). There is a diffusion channel (42) leading into the second chamber. The housing is clearly non-porous. There can be adhesive on the base (see column 4 lines 44-45). The first and second chambers are separated by an internal wall (28). The first chamber is closer to the disk and thus "faces" the disk. The second chamber is below the first chamber and more remote from the disk and thus "faces opposite" to the disk.

VOIGHTS differs in not providing an adsorbent media in both chambers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide adsorbent material in both chambers. The motivation is as follows: one of ordinary skill in the art would utilize any known filtering material in each of the chambers.

7. Applicant's arguments filed 7/25/05 have been fully considered but they are not persuasive.

Concerning the objection to the drawings, claim 14 still recites an outlet port. This is not shown in the drawings, or identified in the specification.

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Concerning the 112 par. 1 and/or 2 rejection, Applicant amended all the independent claims to now recite that both chambers contain an adsorbent media. This is not supported by the disclosure.

Further, Applicant amended independent claims 1 and 14 to add the recitation of porous membranes. However, these added membrane recitations are broader than the recitations in originally filed claim 7, which accurately specified where the membranes were located. The added membrane recitations do not accurately indicate where the membranes are located and are not a basis for allowability.

Concerning the rejection of claims 17-21 over VOIGHTS, this was amended only to change the type of media contained in the second chamber. That does not define over VOIGHTS.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert S. Tupper whose telephone number is 571-272-7581. The examiner can normally be reached on Mon - Fri, 6:30 AM - 4:00 PM (first Fri off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Robert S Tupper  
Primary Examiner  
Art Unit 2652

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